

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STEELWORKERS OF)
AMERICA, LOCAL UNION 9426 and)
TINA BEARD, TINA LOWE, and)
ANTHONY BROOKS,)

Plaintiffs

v.

METROPOLITAN GOVERNMENT OF)
NASHVILLE, DAVIDSON COUNTY,)
TENNESSEE and METROPOLITAN)
BOARD OF PUBLIC EDUCATION, and)
JESSE REGISTER, in his official capacity as)
Director.)

Defendants.

Case No. 3:12-0120
Judge Nixon
Magistrate Judge Brown

DEFENDANTS' ADDITIONAL STATEMENT OF UNDISPUTED FACTS

1. Plaintiffs were non-renewed pursuant to Tennessee Code Ann. § 49-2-301(b)(1)(FF). *See* Declaration of Fred Carr ("Carr Dec.") at ¶ 3, filed contemporaneously herewith; *see also* Exhibit C to Complaint, Doc. No. 1-3.

RESPONSE:

2. The Memorandum of Understanding ("MOU") and Support Staff Handbook ("Handbook") at issue in this case "cover the same information" and are to be "read together." See Discovery Responses of Union Representatives Mary Eady and Jim Buckley, Plaintiff Anthony Brooks, and Plaintiff Tina Beard, attached hereto as Collective Exhibit A, at Interrogatory No. 2.

RESPONSE:

3. Neither the MOU nor the Handbook at issue in this case was drafted or promulgated by the Metro Nashville Public School Board (the “Board”). Declaration of Dr. June Keel (“Keel Dec.”) at ¶ 4, filed contemporaneously herewith.

RESPONSE:

4. Neither the MOU nor the Handbook at issue in this case was approved by vote at any meeting of the Board. Keel Dec. at ¶ 5.

RESPONSE:

5. A new Support Staff Handbook, which superseded the Handbook at issue in this case, was promulgated on October 17, 2011. Carr Dec. at ¶ 5.

RESPONSE:

6. There is currently no MOU in place between USW Local 9426 (“Union”) and MNPS. Carr Dec. at ¶ 6.

RESPONSE:

7. Plaintiffs were paid their salaries as bus drivers through June 30, 2011. Carr Dec. at ¶ 7.

RESPONSE:

Respectfully Submitted:

THE DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
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Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been forwarded via the Court's electronic filing system to: George E. Barrett, David Garrison, and Seth Hyatt, Barrett Johnston LLC, 217 Second Avenue, North, Nashville, Tennessee 37201-1601 on this the 28th day of September, 2012.

/s/ Keli J. Oliver
Keli J. Oliver